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CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT

Notification

The 31st August, 2021

No. 13/1/9363-HII(2)-2021/9609.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR (PL), dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. 11/2017, dated 12.07.2021 delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

PRESIDENT / GENERAL SECRETARY, CHANDIGARH GOVT. TRANSPORT WORKERS' UNION (SHRI BHARAT - CONDUCTOR NO.734) (Workers' Union)

AND

1. HOME SECRETARY-CUM-SECRETARY TRANSPORT, CHANDIGARH ADMINISTRATION, UNION TERRITORY CHANDIGARH
2. DIVISIONAL MANAGER, CTU & DIRECTOR TRANSPORT, UNION TERRITORY CHANDIGARH
3. GENERAL MANAGER, CHANDIGARH TRANSPORT UNDERTAKING, CHANDIGARH (Management).

referred to the said court by the Chandigarh Administration bearing Endorsement No. 13/1/9363-HII(2)-2017/2337, dated 06.02.2017.

AWARD

1. Below mentioned Reference bearing Endorsement No.13/1/9363-HII(2)-2017/2337, Dated 06.02.2017 received from the Secretary Labour, Chandigarh Administration is being disposed of :—

"Whether the demand raised in the demand notice dated 15.05.2016 by President / General Secretary, Chandigarh Govt. Transport Workers Union (Bharat Conductor No.734) to (i) The Home Secretary-cum-Secretary Transport, Chandigarh Administration, UT Chandigarh (ii) The Divisional Manager, CTU & Director Transport, UT Chandigarh (iii) The General Manager, Chandigarh Transport Undertaking, Chandigarh are genuine and justified. If so, to what effect and to what relief the Union / Workers are entitled to, if any ?"

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Jalinder Kumar
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Reason: Published
Locally

2. The President / General Secretary, Chandigarh Govt. Transport Workers Union (*hereinafter called "workers' union"*) had served demand notice dated 15.05.2016 in respect of Shri Bharat - Conductor No.734 (*hereinafter called "workman"*) upon the Home Secretary-cum-Secretary Transport, Chandigarh Administration, Union Territory Chandigarh & Others (*hereinafter called "management"*) under Section 2(k) of the Industrial Disputes Act, 1947 (*hereinafter called "ID Act"*). Upon notice, the workers' union appeared

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through its representative. Statement of claim was filed. Case of the workers' union in brief is that the workman is a permanent employee of the management and is performing his duties as Conductor since long. He was on duty in route No.131 (Chandigarh to Katra) with Bus No.CH-01-G-8157 on 15.04.2002. The bus was checked at Lakhanpur barrier by the checking staff Shri Baldev Singh and Shri Kewal Singh - Inspectors and they alleged that three passengers were found without tickets thus the workman had committed a fraud of ₹ 27/-. The workman was imposed punishment of stoppage of one annual increment with cumulative effect as per order No.1205/EA/ECC/CTU-II/2006 dated 08.08.2006 and his suspension period with effect from 15.04.2002 to 16.05.2002 was limited to subsistence allowances only. The above mentioned order is illegal and based on false & fabricated charge sheet. The workman has been falsely implicated. No statement of the passengers was not recorded, who were found without tickets, no statement of the Driver or independent witness had not been recorded nor was the cash of the workman checked by the inspecting staff. The checking was also not conducted fairly & properly and inspecting staff made a false report against the workman. The procedure as prescribed under the Punjab Civil Service (Punishment & Appeal) Rules, 1970 has not been followed and the workman has not been given fair & proper opportunity to defend his case. No evidence of the passengers, who were found without tickets were recorded during the inquiry and inquiry report is based only on hear-say evidence. The workman was given the impression that no harm would be done to him if he conceded that three passengers were without ticket and persuaded to sign the statement prepared by the Inquiry Officer in good faith, little knowing as to what was actually recorded in the statement. Orders of punishment are non-speaking in nature and are not based on any material and findings of the punishing authority so the same are perverse and illegal. The workman had approached the management time & again to withdraw these illegal orders individually and through union but the management has not withdrawn the same. The cause of action is continuing cause of action as the workman is suffering each & every month due to these illegal orders and is getting his salary less every month so there is a recurring cause of action with the workman. Defence of the workman was not taken into consideration at all, by the Inquiry Officer as well as by the punishing authority. During the inquiry no co-worker was provided to the workman so he could not defend himself properly. The workman preferred an appeal vide application dated 27.06.2013 to the Secretary Transport, Chandigarh Administration and the appeal of the workman was dismissed *vide* Endorsement No. 09/13-CTU-Supdt. (RJ)/2013/9597, dated 04.10.2013 without appreciating the ground of appeal. The order of the appellate authority is non-speaking and against the punishment and appeal rules. Some Conductors (Depot - III) were also imputed of misappropriation for similar offence but they were issued warning whereas in the case of the workman, he has been imposed without following due process of law. The action of the management is discriminatory. The Inquiry Officer acted as a judge as well as a presenting officer so whole proceedings be declared illegal. Ultimately, it is prayed that order dated 08.08.2006 of the punishing authority and order dated 04.10.2013 of the appellate authority be set aside and monetary benefits be released to workman along with interest.

3. The management contested the case of the workman and filed written statement raising preliminary objection that the present claim has been filed at highly belated stage. On merits, it is pleaded that the bus of the workman was checked by the inspectorate staff while he was on duty on 12.04.2002 with bus No. CH-01-G-8157 and during the course of checking, three passengers were found without ticket who had boarded the bus from Pathankot to Lakhanpur and had paid ₹ 27 at the rate ₹ 9/- each to the workman but the workman had not issued tickets to them. The checking staff made a report on the factual position, which is duly admitted by the workman and now the workman cannot put any question upon the report of the checking staff when he had confessed his guilt before the Inquiry Officer during the departmental inquiry. No question of checking the cash of the workman and recording the statement of the passengers arises as the workman had admitted his fault too at the spot before the checking staff by giving un-punched tickets to them. The inquiry was conducted in a fair & proper manner. No evidence of any passenger is required when the workman had confessed his guilt before the Inquiry Officer during the Inquiry Officer. The punishment order and order passed by the appellate authority are just, right and legal which have been passed after due procedure of law and according to the cannon of natural justice. The workman never made any request to the management to withdraw the punishment order and cause of action is not continuing too to file the present statement of claim. The workman nowhere tendered his defence in the inquiry proceedings nor before the punishing authority. While recording the statement in preliminary inquiry, the workman admitted his fault and nowhere showed his interest to face the

departmental inquiry and to engage a co-worker in his favour. Each and every case has its own merits, rather the punishment of stoppage of one increment with cumulative effect *qua* the workman is a lesser punishment than the misconduct committed by him. The Inquiry Officer recorded his findings on the basis of facts and he was also assisted by the Presenting Officer so the proceedings of the Inquiry Officer are legal and liable to be upheld in the eyes of law. Other averments of the case of the workman were denied and ultimately, it is prayed that the present claim statement be dismissed.

4. From the pleadings of the parties, following issues were framed by the then Presiding Officer :—

1. Whether the demand raised in the demand notice dated 15.05.2016 by the workers' union is genuine and justified, if so, to what effect and to what relief workers' union / worker is entitled to, if any ? OPW
2. Whether the claim of the worker's union is bad on account of delay & latches ? OPM
3. Relief.

5. In support of the case, the workers' union examined the workman as AW1. The workman closed the evidence. On the other hand, learned Law Officer for the management tendered into evidence inquiry file and closed the evidence.

6. I have heard learned representative for the workers' union and learned Law Officer for the management and have gone through the file carefully. My findings on the issues framed in this case are as follows :—

Issue No.1 :

7. Onus to prove this issue was on the workers' union and to discharge the same learned representative for the workers' union has examined the workman as AW1, who deposed that he was on duty in Route No.131 (Chandigarh to Katra) with Bus No. CH-01-G-8157 on 15.04.2002 and his bus was checked at Lakhampur barrier by the checking staff, who alleged that three passengers were found without tickets and thus he had committed a fraud of ₹ 27/-. Punishment of stoppage of one annual increment with cumulative effect and limitation of suspension period to subsistence allowance was imposed upon the workman. Punishment order is illegal and based on false & fabricated charge sheet and he was falsely implicated. No statement of the passengers has been recorded, who were found without tickets, no statement of the driver or independent witness has been record and his cash was not checked so the checking was not conducted fairly & properly as per rules & instructions and inspecting staff made a false report against him. He further deposed that the procedure as prescribed under the Punjab Civil Service (Punishment & Appeal) Rules, 1970 has not been followed as he has not been given fair & proper opportunity to defend his case and no evidence of the passengers, who were found without tickets were recorded during inquiry and inquiry report is based only on hearsay evidence. He was given the impression that no harm would be done to him if he conceded that three passengers were without tickets and persuaded to sign the statement prepared by the Inquiry Officer in good faith. His defence was not taken into consideration by the Inquiry Officer as well as by the punishing authority. During the inquiry no co-worker was provided to him so he could not defend himself properly. He also deposed that appeal filed by him was also dismissed without appreciating the grounds of appeal. Some Conductors (Depot - III) were also imputed of misappropriation of similar offence but they were issued warning whereas in his case punishment has been imposed without following due process of law.

8. Learned representative for workers' union has argued that a false report has been made against the workman and he has been falsely charge sheeted. He argued that the Inquiry Officer did not conduct the inquiry as per rules. He further argued that the workman had not embezzled any amount, no statement of passenger were recorded, defence of the workman not considered by the Inquiry Officer and no co-worker was provided to the workman as he could not defend himself properly. He prayed for setting aside punishment order and order passed by the appellate authority.

9. On the other hand, learned Law Officer for the management tendered into evidence inquiry file of the workman and has argued that the workman was rightly charge sheeted on the basis of report of the checking staff and the Inquiry Officer conducted the inquiry as per law rather there is clear cut admission in writing by the workman so question of producing the witnesses does not arise. No statement of passengers

and no checking of cash was required as the workman had admitted his guilt by giving un-punched tickets to the checking staff. He further argued that the workman had admitted his guilt before Inquiry Officer while recording preliminary statement before the Inquiry Officer and have also given in writing to Inquiry Officer admitting his guilt. He argued that the appellate authority also dismissed the appeal of the workman as per law. He prayed for dismissal of the reference.

10. After giving my careful consideration to the contentions of rival parties, I find that the workman was charge sheeted *vide* Memorandum dated 10.05.2002 as he had committed a fraud of ₹ 27/-from the Government exchequer. Reply of the workman was considered and after having been found unsatisfactory the competent authority ordered to hold a regular departmental inquiry against the workman by appointing the Inquiry Officer. The Inquiry Officer conducted the inquiry proceedings against the workman under the provisions of Punjab Civil Services (Punishment & Appeal) Rules, 1970 after giving reasonable and proper opportunity to the workman for defending his case. On 30.03.2005 while recording the preliminary statement before the before the Inquiry Officer and the workman submitted as under :—

"I admit the charges leveled in the charge sheet and do not want to face any enquiry in this case."

11. In view of the clear cut admission of the workman the Inquiry Officer rightly held the charges proved against the workman stood proved. Hence, there is no necessity to record statement of the department witnesses. There is also no necessity to record the statement of passengers where the workman himself admitted his guilt before the checking staff by giving un-punched tickets. In this regard, reliance is placed upon the citation titled **State of Haryana Versus Nageshwar, 1987 SLR 384** wherein it was held that **Admission of guilt - Delinquent officer admitted his guilt - No further inquiry is necessary before awarding penalty of dismissal**. Accordingly, punishment order dated 08.08.2006 passed against the workman is legal & valid.

12. In the light of discussion made above, the workers' union failed to prove that the demand raised in the demand notice dated 15.05.2016 by the workers' union is genuine & justified. This issue is decided against the workers' union and in favour of the management.

Issue No.2 :

13. Onus to prove this issue was on the management but learned Law Officer for the management has not pressed this issue during the course of arguments. This issue is decided against the management being not pressed.

Rrelief :

14. In the light of findings on the issue No.1 above, this reference is declined and answered against the workers' union. Appropriate Government be informed. File be consigned to the record room.

The 12th July, 2021

(ANSHUL BERRY),
Presiding Officer,
Industrial Tribunal &
Labour Court,
Union Territory, Chandigarh.
UID No.PB0095

Secretary Labour,
Chandigarh Administration.

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Notification

The 23rd August, 2021

No. 138/E.I./V.D.4(3E).—In pursuance of the Judgment dated 26.07.2021 delivered by Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No. 9864 of 2015 titled as "Ashok Kumar Versus The Punjab and Haryana High Court, Chandigarh and others", Hon'ble the Chief Justice has been pleased to give appointment by selection/promotion to **Sh. Ashok Kumar-V, Superintendent Grade-I** to the post of Offg. Reader in the Pay Band of ₹ 15600-39100/- + Grade Pay 5400/- (with initial start of ₹ 21000/-) plus usual allowances, w.e.f **15.07.2019 (on notional basis)**.

- Note :—**1. He is assigned seniority in the cadre of Reader below Sh. Devinder Singh Jamwal, Court Secretary (the last selected Reader of Selection Process 2013-2014).
2. The appointed/promoted candidate will furnish joining report as Officiating Reader to the Establishment-I Branch immediately.

(Sd.)...,

(NARENDER SINGH),
Registrar (Administration),
for Registrar General.

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Notification

The 26th August, 2021

No. 140/E.I./V.D.I (3E).—Hon'ble the Chief Justice has been pleased to make the following promotions on the establishment of this Hon'ble Court in the Pay Band of ₹ 15600-39100/- plus Grade Pay of ₹ 7600/- plus usual allowances with effect from 26.08.2021 :—

S. No.	Name of the Officer(s)	E.Code	From	To	Remarks
1	Sh. Shishupal Singh	1712	Offg. Court Secretary	Offg. Special Secretary	Against vacant post
2	Sh. Gurdeep Singh Rana	3594	-do-	-do-	-do-
3	Sh. Sunil Grover	3724	-do-	-do-	-do-
4	Sh. Mahaveer Prasad	3852	-do-	-do-	-do-
5	Sh. Vinod Singh	4028	-do-	-do-	-do-
6	Sh. Manohar Lal	1720	-do-	-do-	-do-
7	Sh. Devinder Singh Jamwal	6430	-do-	-do-	-do-

Note : The above promotions of the officers are on probation in terms of Rule 23(1) of High Court Establishment (Appointment & Conditions of Service) Rules, 1973.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

(Sd.)...,

(NARENDER SINGH),
Registrar (Administration),
for Registrar General.

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Notification

The 26th August, 2021

No. 141/E.I./V.D.I. (3E).—Hon'ble the Chief Justice has been pleased to make the following promotions on the establishment of this Hon'ble Court in the Pay Band of ₹ 15600-39100/- plus Grade Pay of ₹ 6600/- plus usual allowances w.e.f 26.08.2021 :—

Sr. No.	Name of the Officer(s)	E.Code	From	To	Remarks
1	Ms. Vandana	5883	Offg. Private Secretary	Offg. Secretary	Against vacant post
2	Sh. Parveen Kumar	5809	-do-	-do-	-do-

Note: The above promotions of the officers are on probation in terms of Rule 23(1) of High Court Establishment (Appointment & Conditions of Service) Rules, 1973.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

(Sd.)...,

(NARENDER SINGH),
Registrar (Administration),
for Registrar General.

(To be substituted with same date and number)

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Notification

The 26th August, 2021

No. 142/E.I./V.D.I. (3E).—Hon'ble the Chief Justice has been pleased to make the following promotions on the establishment of this Hon'ble Court in the Pay Band of ₹ 15600-39100/- plus Grade Pay of ₹ 5400/- plus usual allowances with effect from 26.08.2021 :—

Sr. No.	Name of the Officer(s)	E.Code	From	To	Remarks
1	Sh. Sonu	6440	Offg. Judgment Writer	Offg. Private Secretary	Against vacant post
2	Ms. Sheetal Gawri	6444	-do-	-do-	-do-
3	Ms. Joyti Rani	6458	-do-	-do-	-do-

Note : The above promotions of the officers are on probation in terms of Rule 23(1) of High Court Establishment (Appointment & Conditions of Service) Rules, 1973.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

(Sd.)...,

(NARENDER SINGH),
Registrar (Administration),
for Registrar General.

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